

comprising an antibody including a set of complementarity determining regions of an antibody produced by FERM BP-2998 hybridoma and a physiologically acceptable carrier.

REMARKS

Claims 9-17 are pending. Claims 9 and 13 have been amended. In particular, the phrase "the method" in claim 13 is changed to correct a clerical error advised by the Examiner. Also, the phrases "a complementary determinant region" in both claims 9 and 13 are changed to "a set of complementarity determining regions." Support for this change is found on pages 11, lines 3- 15 of the present specification and the references cited therein. No new matter has been introduced.

I. The Objection to Claim 13 under 37 CFR 1.211

The Examiner objects to claim 13 as having been improperly amended. The Applicants intended to change the phrase "the method" to "a method" of claim 13 as indicated on page 2 of the last response filed on September 20, 2001. The Examiner objects to the claim because the "mark-up" version did not reflect this change as required by the revised 37 CFR 1.121. The Applicants have now correctly provided a marked up copy showing the change. Withdrawal of this objection is respectfully requested.

II. The Rejections to Claims 9-17 under 35 U.S.C. 112, First Paragraph

The Examiner rejects claims 9-17 under the first paragraph of 35 U.S.C. 112 for failure to comply with the deposit requirements. The Examiner indicates that the declaration must incorporate a term of the deposit available to the public as required by MPEP 2408.

Applicants note that a deposit (as made here) under the Budapest Treaty automatically meets this requirement (hence, a Budapest Treaty deposit declaration need not refer to it). However, the Applicants have prepared a new declaration dated April 4, 2002,

In accordance with the foregoing, favorable reconsideration and allowance of the application are requested. In the event that any issues remain, the Examiner is invited to telephone the undersigned with any proposal to expedite prosecution.

Respectfully submitted,

Date

May 3, 2002

By

Stephen B. Maebius

FOLEY & LARDNER

Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5569

Facsimile: (202) 672-5399

Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264

MARKED UP VERSION OF CHANGES

9. **(Twice Amended)** A method for inhibiting synovial cell growth, comprising administering to a patient in need thereof a pharmaceutical composition comprising an antibody including a set of complementarity determining regions [complementary determinant region] of an antibody produced by FERM BP-2998 hybridoma and a physiologically acceptable carrier.

13. **(Twice Amended)** [The] A method of treating chronic rheumatoid arthritis, comprising administering to a patient in need thereof a pharmaceutical composition comprising an antibody including a set of complementarity determining regions [complementary determinant region] of an antibody produced by FERM BP-2998 hybridoma and a physiologically acceptable carrier.